

CASE HP/5-21551/A/CPA

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Lynn Girolamo
Type or print name

Lynn Girolamo
Signature

11/29/01
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IMRE APPLICATION OF

Group Art Unit: 1619

ANDREAS WERNER SUPERSAXO ET AL

Examiner: S. Sharareh

APPLICATION NO: 09/306,006

FILED: MAY 6, 1999

FOR: USE OF NANODISPERSIONS IN

PHARMACEUTICAL END FORMULATIONS

Assistant Commissioner for Patents

Washington, D.C. 20231

LETTER

Sir:

Enclosed herewith is a Terminal Disclaimer in the above identified application.

The Commissioner is hereby authorized to charge the \$110.00 fee and any additional fees that may be required to Deposit Account No. 03-1935. Two additional copies of this letter are enclosed for charging purposes.

Respectfully submitted,

Kevin T. Mansfield

Kevin T. Mansfield
Agent for Applicants
Reg. No. 31,635

Ciba Specialty Chemicals Corporation
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540 White Plains Road
P.O. Box 2005
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(914) 785-7127
KTM/lg
Enc.
Date: **NOV 29 2001**

#20
PW
1-19-02

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TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION (37 CFR 1.321(C))

Sir:

I, Kevin T. Mansfield, represent that I am the agent of record for this invention.

Ciba Specialty Chemicals Corporation, a corporation organized and existing under the laws of the State of Delaware, and Vesifact AG, a Swiss corporation, represent that they are the assignees of the entire interest in the above-identified application by virtue of an assignment from the inventors which was recorded in the United States Patent and Trademark Office on July 9, 1999 at Reel 010081/Frame 0648.

Ciba Specialty Chemicals Corporation and Vesifact AG hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on pending Application No. 09/306,005 filed May 6, 1999, the application forming the basis of the double patenting rejection.

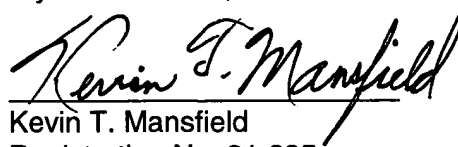
Said Application No. 09/306,005 is also entirely assigned to Ciba Specialty Chemicals Corporation and Vesifact AG by virtue of an assignment from all the inventors, said assignment being recorded in the United States Patent and Trademark Office on November 15, 1999 at Reel 010392/Frame 0455.

Ciba Specialty Chemicals Corporation and Vesifact AG further agree that any patent so granted on the above-identified application shall be enforceable only during such period as the legal title to said patent shall be the same as the legal title to the U.S. Patent to issue on Application No. 09/306,005, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on Application No. 09/306,005, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Signed at Tarrytown, New York, this *28th* day of November, 2001.

By:


Kevin T. Mansfield
Registration No. 31,635
Agent of Record

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